

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DEWEY I. COFFMAN,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-07-349-F
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER

Plaintiff Dewey Coffman’s motion entitled, “Motion to Answer the Court[’]s Action of Removal of Case CJ-06-2025-BH from Cleveland County District Court,” filed April 30, 2007, is before the court. (Doc. no. 7.) Plaintiff appears *pro se*, and his pleadings are liberally construed. Mr. Coffman’s motion appears to seek remand of this action to the District Court of Cleveland County, the court from which it was removed. Defendant, the United States of America, objects to the motion.


In its response to the motion, the United States argues that the previously filed certification by the United States Attorney is conclusive with respect to this court’s jurisdiction and the denial of Mr. Coffman’s motion. (The certification is attached as an exhibit to doc. no. 4.) The certification states that it is made pursuant to 28 U.S.C. § 2679, and pursuant to the authority vested in the U.S. Attorney by the United States Attorney General. The certification states that the individual defendants originally named in this action were acting within the scope of their employment as employees of the United States, at the time of the incidents alleged in the petition.

Title 28 U.S.C. § 2679(d)(2) provides that this type of certification “shall conclusively establish scope of office or employment for purposes of removal.” *See also, Osborn v. Haley*, 75 USLW 4066, 127 S. Ct. 881, 888-89 (Jan. 22, 2007) (“the

Attorney General's certification is conclusive for purposes of removal, i.e., once certification and removal are effected, exclusive competence to adjudicate the case resides in the federal court, and that court may not remand the suit to the state court.'").

Accordingly, after careful study of the parties' submissions, the record, and the relevant legal authorities, plaintiff's motion is **DENIED**.

Dated this 15th day of May, 2007.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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